

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JAMILA LONGMIRE,)	
)	
Plaintiff,)	
)	
v.)	No. 4:06CV1360 CDP
)	
UNKNOWN ISING, et al.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on defendant's motion to dismiss pursuant to Fed. R. Civ. P. 41(b) [#15]. The motion will be granted in part.

On November 9, 2006, I ordered plaintiff to either submit a second motion to proceed in forma pauperis or to pay the statutory filing fee. Plaintiff was warned that failure to comply with the order within thirty days would lead to the dismissal of this action without prejudice. Under Fed. R. Civ. P. 41(b), a defendant may move for dismissal if plaintiff fails "to comply with . . . any order of [the] court." Plaintiff has failed to comply with the order, and I will dismiss this action without prejudice.


Defendants have also moved the Court to tax their costs and fees against plaintiff. Because plaintiff is proceeding pro se and in forma pauperis, I find that an award of costs and fees would be inappropriate. As a result, defendants motion will be denied in part.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion to dismiss [#15] is granted in part and denied in part.

IT IS FURTHER ORDERED that plaintiff's complaint is dismissed, without prejudice, for failure to comply with the Court's orders. Fed. R. Civ. P. 41(b).

An order of dismissal shall accompany this Memorandum and Order.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 8th day of January, 2007.